

Union Calendar No.

118TH CONGRESS
1ST SESSION

H. R. 4596

[Report No. 118-]

To reauthorize the Bureau of Reclamation to provide cost-shared funding to implement the endangered and threatened fish recovery programs for the Upper Colorado and San Juan River Basins.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2023

Mrs. BOEBERT (for herself, Ms. HAGEMAN, Mr. LAMBORN, Mr. BUCK, Mr. DUARTE, Mr. GOSAR, and Mr. NEHLS) introduced the following bill; which was referred to the Committee on Natural Resources

SEPTEMBER --, 2023

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To reauthorize the Bureau of Reclamation to provide cost-shared funding to implement the endangered and threatened fish recovery programs for the Upper Colorado and San Juan River Basins.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Upper Colorado and
5 San Juan River Basins Endangered Fish Recovery Pro-
6 grams Reauthorization Act of 2023”.

7 **SEC. 2. REAUTHORIZATION OF UPPER COLORADO AND SAN**

8 **JUAN RIVER BASINS ENDANGERED FISH AND**

9 **THREATENED FISH RECOVERY IMPLEMENTA-**

10 **TION PROGRAMS.**

11 (a) PURPOSE.—Section 1 of Public Law 106–392
12 (114 Stat. 1602) is amended by inserting “and threat-
13 ened” after “endangered”.

14 (b) DEFINITIONS.—Section 2 of Public Law 106–392
15 (114 Stat. 1602; 116 Stat. 3113) is amended—

16 (1) in paragraph (1), by striking “to implement
17 the Recovery Implementation Program for the En-
18 dangered Fish Species in the Upper Colorado River
19 dated September 29, 1987, and extended by the Ex-
20 tension of the Cooperative Agreement dated Decem-
21 ber 6, 2001, and the 1992 Cooperative Agreement to
22 implement the San Juan River Recovery Implemen-
23 tation Program dated October 21, 1992, and as they
24 may be amended” and inserting “for the Recovery
25 Implementation Program for Endangered Species in

1 the Upper Colorado River Basin dated September
2 29, 1987, and the 1992 Cooperative Agreement for
3 the San Juan River Basin Recovery Implementation
4 Program dated October 21, 1992, as the agreements
5 may be amended and extended”;

6 (2) in paragraph (6)—

7 (A) by inserting “or threatened” after “en-
8 dangered”; and

9 (B) by striking “removal or translocation”
10 and inserting “control”;

11 (3) in paragraph (7), by striking “long-term”
12 each place it appears;

13 (4) in paragraph (8), in the second sentence, by
14 striking “1988 Cooperative Agreement and the 1992
15 Cooperative Agreement” and inserting “Recovery
16 Implementation Programs”;

17 (5) in paragraph (9)—

18 (A) by striking “leases and agreements”
19 and inserting “acquisitions”;

20 (B) by inserting “or threatened” after “en-
21 dangered”; and

22 (C) by inserting “, as approved under the
23 Recovery Implementation Programs” after
24 “nonnative fishes”; and

1 (6) in paragraph (10), by inserting “pursuant
2 to the Recovery Implementation Program for En-
3 dangered Species in the Upper Colorado River
4 Basin” after “Service”.

5 (c) AUTHORIZATION TO FUND RECOVERY PRO-
6 GRAMS.—Section 3 of Public Law 106–392 (114 Stat.
7 1603; 116 Stat. 3113; 120 Stat. 290; 123 Stat 1310; 126
8 Stat. 2444; 133 Stat. 809) (as amended by section 101
9 of division CC of the Consolidated Appropriations Act,
10 2023 (Public Law 117–328)) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “(1)
13 There is hereby authorized to be appropriated
14 to the Secretary, \$88,000,000 to undertake
15 capital projects to carry out the purposes of
16 this Act. Such funds” and inserting the fol-
17 lowing:

18 “(1) AUTHORIZATION.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), there is authorized to be appro-
21 priated to the Secretary for use by the Bureau
22 of Reclamation to undertake capital projects to
23 carry out the purposes of this Act \$50,000,000
24 for the period of fiscal years 2024 through
25 2031.

1 “(B) INFLATION ADJUSTMENT.—Each fis-
2 cal year, the amount authorized to be appro-
3 priated under subparagraph (A) shall be ad-
4 justed for inflation from the date of enactment
5 of the Upper Colorado and San Juan River Ba-
6 sins Endangered Fish Recovery Programs Re-
7 authorization Act of 2023 to the beginning of
8 that fiscal year.

9 “(C) NONREIMBURSABLE FUNDS.—
10 Amounts made available pursuant to subpara-
11 graph (A)”;

12 (B) in paragraph (2), by striking “Pro-
13 gram for Endangered Fish Species in the
14 Upper Colorado River Basin shall expire in fis-
15 cal year 2024” and inserting “Programs shall
16 expire in fiscal year 2031”; and

17 (C) by striking paragraph (3);

18 (2) by striking subsections (b) and (c) and in-
19 serting the following:

20 “(b) NON-FEDERAL CONTRIBUTIONS TO CAPITAL
21 PROJECTS.—The Secretary, acting through the Bureau of
22 Reclamation, may accept contributed funds, interests in
23 land and water, or other contributions from the Upper Di-
24 vision States, political subdivisions of the Upper Division
25 States, or individuals, entities, or organizations within the

1 Upper Division States, pursuant to agreements that pro-
2 vide for the contributions to be used for capital projects
3 costs.”;

4 (3) by redesignating subsections (d) through (j)
5 as subsections (c) through (i), respectively;

6 (4) in subsection (c) (as so redesignated)—

7 (A) in paragraph (1)(A), by striking
8 “\$10,000,000 for each of fiscal years 2020
9 through 2024” and inserting “\$80,000,000 for
10 the period of fiscal years 2024 through 2031”;

11 (B) in paragraph (2)—

12 (i) in the first sentence, by striking
13 “\$4,000,000 per year” and inserting
14 “\$52,914,285 for the period of fiscal years
15 2024 through 2031”;

16 (ii) in the second sentence—

17 (I) by inserting “Basin” after
18 “San Juan River”; and

19 (II) by striking “\$2,000,000 per
20 year” and inserting “\$27,085,715 for
21 the period of fiscal years 2024
22 through 2031”; and

23 (iii) in the third sentence, by striking
24 “in fiscal years commencing after the en-
25 actment of this Act” and inserting “for fis-

1 cal year 2024 and each fiscal year there-
2 after”; and

3 (C) by striking paragraph (3) and insert-
4 ing the following:

5 “(3) FEDERAL CONTRIBUTIONS TO ANNUAL
6 BASE FUNDING.—

7 “(A) IN GENERAL.—For each of fiscal
8 years 2024 through 2031, the Secretary, acting
9 through the Bureau of Reclamation, may accept
10 funds from other Federal agencies, including
11 power revenues collected pursuant to the Act of
12 April 11, 1956 (commonly known as the ‘Colo-
13 rado River Storage Project Act’) (43 U.S.C.
14 620 et seq.).

15 “(B) AVAILABILITY OF FUNDS.—Funds
16 made available under subparagraph (A) shall be
17 available for expenditure by the Secretary, as
18 determined by the contributing agency in con-
19 sultation with the Secretary.

20 “(C) TREATMENT OF FUNDS.—Funds
21 made available under subparagraph (A) shall be
22 treated as nonreimbursable Federal expendi-
23 tures.

24 “(D) TREATMENT OF POWER REVE-
25 NUES.—Any power revenues accepted under

1 subparagraph (A) shall be treated as having
2 been repaid and returned to the general fund of
3 the Treasury.

4 “(4) NON-FEDERAL CONTRIBUTIONS TO AN-
5 NUAL BASE FUNDING.—The Secretary, acting
6 through the Bureau of Reclamation, may accept con-
7 tributed funds from the Upper Division States, polit-
8 ical subdivisions of the Upper Division States, or in-
9 dividuals, entities, or organizations within the Upper
10 Division States, pursuant to agreements that provide
11 for the contributions to be used for annual base
12 funding.

13 “(5) REPLACEMENT POWER.—Contributions of
14 funds made pursuant to this subsection shall not in-
15 clude the cost of replacement power purchased to
16 offset modifications to the operation of the Colorado
17 River Storage Project to benefit threatened or en-
18 dangered fish species under the Recovery Implemen-
19 tation Programs.”;

20 (5) in subsection (f) (as so redesignated), in the
21 first sentence, by inserting “or threatened” after
22 “endangered”;

23 (6) in subsection (g) (as so redesignated), by
24 striking “unless the time period for the respective

1 Cooperative Agreement is extended to conform with
2 this Act” and inserting “, as amended or extended”;

3 (7) in subsection (h) (as so redesignated), in
4 the first sentence, by striking “Upper Colorado
5 River Endangered Fish Recovery Program or the
6 San Juan River Basin Recovery Implementation
7 Program” and inserting “Recovery Implementation
8 Programs”; and

9 (8) in subsection (i)(1) (as so redesignated)—

10 (A) by striking “2022” each place it ap-
11 pears and inserting “2030”;

12 (B) by striking “2024” each place it ap-
13 pears and inserting “2031”; and

14 (C) in subparagraph (C)(ii)(III), by strik-
15 ing “contributions by the States, power cus-
16 tomers, Tribes, water users, and environmental
17 organizations” and inserting “non-Federal con-
18 tributions”.